

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-07 EUR-12 NEA-10

DHA-02 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 4303

INFO USMISSION GENEVA

C O N F I D E N T I A L USUN 2103

E.O. 11652: GDS

TAGS: SHUM, SOCI

SUBJ: 32D GENERAL ASSEMBLY--TORTURE ISSUE

REF: (A) STATE 129285, (B) USUN 1950, (C) USUN 1955,

(D) STATE 144164

1. WE HAVE RECENTLY DISCUSSED POSSIBLE GA INITIATIVES WITH REPS FROM FRG AND AUSTRALIA. THE AUSTRALIANS WILL BE TAKING AN ACTIVE ROLE ON HUMAN RIGHTS ISSUES IN VIEW OF THE FACT THAT THEY HAVE RECENTLY BEEN ELECTED TO THE HUMAN RIGHTS COMMISSION (HRC). THE AUSTRALIANS ARE PRIMARILY INTERESTED IN THE ITEM ON ALTERNATIVE WAYS AND MEANS OF IMPROVING HUMAN RIGHTS MACHINERY, UNDER WHICH THE HIGH COMMISSIONER FOR HUMAN RIGHTS (HCHR) PROPOSAL WILL FALL. THE AUSTRALIANS ARE PROCEEDING ON THE ASSUMPTION THAT IT WILL BE EXTREMELY DIFFICULT TO GAIN SUPPORT FOR ANY OF THE PROPOSALS FOR NEW MACHINERY SUCH AS THE HCHR, STRENGTHENING 1503, ADDITIONAL SESSIONS OF THE HRC, ESTABLISHMENT OF REGIONAL COMMISSIONS ETC. THEY ALSO SHARE OUR VIEW THAT DEVELOPING COUNTRIES WILL WISH TO GIVE EMPHASIS TO ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE PROPOSALS FOR NEW OR IMPROVED HUMAN
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RIGHTS MACHINERY SHOULD ADDRESS THESE RIGHTS AS WELL. THE AUSTRALIANS ARE WORKING ON A PROPOSAL FOR CREATION OF A STUDY GROUP TO REVIEW PROPOSALS FOR NEW MACHINERY SUBMITTED TO THE GA AS WELL AS TO SUGGEST ANY OTHER IMPROVEMENTS THEY THINK APPROPRIATE. THE AUSTRALIANS WILL PRESENT A PRELIMINARY TEXT OF THE PROPOSAL SOME-TIME IN THE NEAR FUTURE AND INDICATED THAT THEY WOULD

LIKE TO CALL A MEETING OF INTERESTED WEO DELS TO DISCUSS HUMAN RIGHTS INITIATIVES IN GENERAL DURING THE WEEK OF JULY 5-8.

2. WITH RESPECT TO OUR INITIATIVE ON TORTURE THE AUSTRALIANS AGREED THAT IT WAS TIME TO MOVE AWAY FROM THE INNOCUOUS RESOLUTIONS ON TORTURE THAT HAVE FORMED THE BASIS OF ECONOMIC AND GA ACTION FOR THE PAST FEW YEARS. THEY HAVE NO SPECIFIC PROPOSAL OF THEIR OWN BUT ARE NOT AT ALL ENTHUSIASTIC ABOUT THE SWEDISH PROPOSAL FOR A CONVENTION, FOR MANY OF THE SAME REASONS STATED BY THE DEPT IN REF (D). THE AUSTRALIANS WILL GIVE MORE SPECIFIC REACTIONS TO OUR PROPOSAL WHEN THEY HAVE HAD A CHANCE TO DISCUSS IT INTERNALLY.

3. THE FRG DEL STATED THAT AT THE LAST MEETING OF THE EC9 IN LONDON THE DUTCH REPORTED THAT THEY WERE UNCERTAIN ABOUT HOW TO PROCEED WITH TORTURE PROPOSAL WHICH FAILED AT THE LAST SESSION OF ECOSOC. THEY PLAN TO PRESENT A PAPER WITH A NEW PROPOSAL ON TORTURE TO THE NEXT EC9 MEETING TO BE HELD JULY 28-9. THE FRG DEL (WHO IS STANDING IN FOR THE REGULAR HUMAN RIGHTS OFFICER, MERKEL, WHO IS ON VACATION) HAD NO IMMEDIATE REACTIONS TO OUR PROPOSAL FOR A WORKING GROUP ON TORTURE BUT WILL REPORT BACK REACTIONS AFTER CONSULTATIONS.
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4. THE FRG DEL REPORTED THAT THE GERMANS DO NOT INTEND TO PURSUE THE IDEA OF A HUMAN RIGHTS COURT BY TABLING ANY SPECIFIC PROPOSAL. THEY WILL, HOWEVER, MENTION THE IDEA IN THE PLENARY SPEECH AGAIN THIS YEAR AS THEY DID LAST YEAR. THEY ARE ALSO CONSIDERING A PROPOSAL FOR STRENGTHENING 1503 PROCEDURES BUT ARE WAITING FOR THE GO-AHEAD FROM BONN BEFORE CIRCULATING THE TEXT.

5. THE NY EC9 WILL MEET TO DISCUSS HUMAN RIGHTS INITIATIVES ON JUNE 30 AND WE WILL KEEP THE DEPT INFORMED OF ANY NEW IDEAS EMANATING FROM THIS MEETING.

6. WE HAVE BEEN UNABLE TO DISCUSS HUMAN RIGHTS WITH THE DUTCH, AS THE PERMREP, KAUFMANN, HAS BEEN IN GENEVA FOR UNDP AND THE HUMAN RIGHTS OFFICER HAS BEEN ON LEAVE FOR THE PAST MONTH.
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